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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,026	12/12/2003	James Blair Chapman	11235	2461

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John D. Cowart
Teradata Law IP, WHQ-4W
NCR Corporation
1700 S. Patterson Blvd.
Dayton, OH 45479-0001

EXAMINER
PHAM, HUNG Q

ART UNIT	PAPER NUMBER
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Advisory Action *Before the Filing of an Appeal Brief*	Application No.	Applicant(s)
	10/735,026	CHAPMAN, JAMES BLAIR
	Examiner	Art Unit	
	HUNG Q. PHAM	2168	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>18 June 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>*1-26*</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

HUNG Q PHAM
Primary Examiner
Art Unit: 2168

1.   Applicant's arguments with respect to the rejection under 35 U.S.C. § 101 have been fully considered. The rejection of claims 1-26 under 35 U.S.C. § 101 has been withdrawn.

2.   Applicant's arguments with respect to the rejection under 35 U.S.C. § 102/103 has been considered but they are not persuasive.

As argued by applicant:

However, Ross does not once in the discussion in columns 5 and 6 mention the possibility of having only a single buffer. If the number of records to be read from the input tables is smaller than available main memory it is more likely that Ross would just skip the buffering step entirely.

That is exactly what happens in the example cited in the Office Action from column 1. In that example, the entire table is read into main memory; no buffering occurs. Ross, col. 1, lines 39-45. Ross teaches away from the claims of the instant application.

The examiner respectfully disagrees.

The Ross teaching implies the claimed limitation "*if the allocated buffer is larger than the one or more rows storing one or more rows of a database table in the allocated buffer communicating a message to one or more destination processing modules, the message comprising at least some of the one or more rows stored in the allocated buffer*".

As detailed in the previous Office Action, available main memory (RAM) as *buffer* is allocated (Ross, Col. 5 Lines 1-5 and Col. 6 Lines 13-18). As disclosed by Ross at Col. 5 Lines 13-21, the number of buffers is determined by the total number and size of unique selected records. If the total size of the records to be read from a second input table during a join of two tables is three times the size of the available memory, the memory will be partitioned into three buffers. This teaching implies that if the total size of the records is less than the size of the available memory, the memory will not be partitioned. The implication of un-partitioning the RAM or *buffer* if the total size of the records less than the size of RAM as discussed is further suggested at Col. 1 Lines 35-46. Ross suggested that in some cases, tables of data will be very small relative to the amount of main memory (RAM). An example of a relatively small table is one that contains data of 30 student's names and their grades. In this example of 30 records, the entire table can be completely processed while contained in RAM. In short, Ross teaching implies the claimed limitation *if the allocated buffer is larger than the one or more rows storing one or more rows of a database table in the allocated buffer.*

As further disclosed at Col. 6 Lines 30-45, the records from the available memory is flushed to disk as *message comprising at least some of the one or more rows stored in the allocated buffer* for storing in an output file. The storing operation is considered as *one or more destination processing modules.*

In light of the foregoing arguments, the 35 U.S.C. § 102/103 is sustained.